

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STEVEN M. KILGORE,

Plaintiff,

vs.

**5:21-CV-82
(TJM/ML)**

CITY OF SYRACUSE POLICE DEPARTMENT, et al.,

Defendants.

**Thomas J. McAvoy,
Sr. U.S. District Judge**

DECISION & ORDER

The Court referred this *pro se* Complaint to Magistrate Judge Miroslav Lovric for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). Plaintiff alleges that Defendants, police officers in various municipalities, as well as a retailer and that retailer's employees, violated his constitutional rights by arresting him. After determining that Plaintiff was not eligible to proceed *in forma pauperis* without demonstrating that he was in imminent danger, Judge Lovric ordered that Plaintiff provide the court with the filing fee or demonstrate that he faced such danger. Failure to do so would cause Judge Lovric to recommend dismissal of the action. See dkt. # 10. Judge Lovric extended the time for Plaintiff to respond after the United States Post Office returned the initial order as undeliverable and the Court updated Plaintiff's address to the Seneca County Jail. See dkt. # 12.

After that mail again came back as undeliverable, see dkt. # 13, Judge Lovric issued the instant Report-Recommendation. See dkt. # 14. Judge Lovric recommends dismissing the case for failure to prosecute and failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff has not provided the Court with his current address, despite the requirements of the local rules and reminders from the Court. Judge Lovric provided Plaintiff with an opportunity to participate in the action and warned him that failing to respond would lead to dismissal. Plaintiff ignored Judge Lovric's warning of the consequences of failing to update the court on his address. Judge Lovric finds that dismissal is an appropriate remedy under the circumstances.

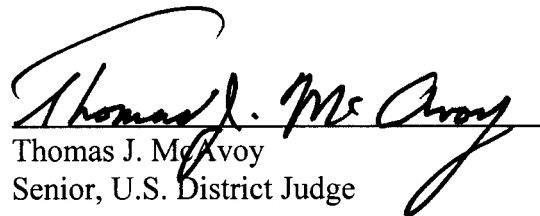
Plaintiff did not object to the Report-Recommendation. The time for such objections has passed. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice and the Court will accept and adopt the Report-Recommendation for the reasons stated therein.

Accordingly,

The Report-Recommendation of Magistrate Judge Lovric, dkt. # 14, is hereby **ACCEPTED** and **ADOPTED**. The Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order. The Clerk of Court is directed to CLOSE the case.

IT IS SO ORDERED.

Dated: October 7, 2021


Thomas J. McAvoy
Senior, U.S. District Judge